

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

HANK WILLIAMS,

Plaintiff,

v.

CIVIL ACTION NO. 1:20-00642

KILOLO KIJAKAZI,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Eifert submitted to the court her Proposed Findings and Recommendation ("PF&R") on September 16, 2021, in which she recommended that the court grant plaintiff's motion for judgment on the pleadings (ECF No. 15) to the extent that it requests remand of defendant's decision pursuant to sentence four of 42 U.S.C. § 405(g); deny defendant's request to affirm the decision of defendant; reverse the final decision of defendant; remand this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative

proceedings consistent with the PF&R; and dismiss this action from the docket of the court. (ECF No. 17.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days and three mailing days in which to file objections to the PF&R. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review by this court. See Thomas v. Arn, 474 U.S. 140, 149-50 (1985); Snyder v. Ridenour, 889 F.2d 1363, 1365-66 (4th Cir. 1989); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." (emphasis added)).

Neither party filed objections to the PF&R within the required time period. Accordingly, the court adopts the PF&R as follows:

1. Plaintiff's request for judgment on the pleadings (ECF No. 15) is **GRANTED** to the extent that it requests remand of defendant's decision pursuant to sentence four of 42 U.S.C. § 405(g);
2. Defendant's request to affirm the decision of defendant (ECF No. 16) is **DENIED**;
3. The final decision of defendant is **REVERSED**;

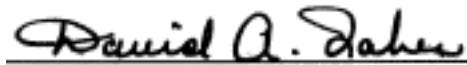
4. This matter is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the PF&R; and

5. This action is **DISMISSED** from the docket of the court.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented parties.

IT IS SO ORDERED this 24th day of January, 2022.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge